

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

| | | |
|---------------------------|---|-------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | CRIMINAL NO. 16-2362 WJ |
| |) | |
| |) | |
| LONNIE JACKSON |) | |
| |) | |
| Defendant. |) | |

UNITED STATES' SENTENCING MEMORANDUM

The United States hereby submits its sentencing memorandum. The following is provided:

PROCEDURAL SUMMARY

The Defendant pled guilty to a “c” level information charging him with the Distribution of Methamphetamine. The Defendant’s plea was pursuant to an 11(c)(1)(C) plea agreement whereby the parties have agreed to a sentencing range of five (5) to seven (7) years imprisonment, with the remaining components of the Defendant’s sentence to be determined by the Court.

CRIMINAL HISTORY

Defendant has previous offenses for shoplifting, larceny, receiving a stolen vehicle, and six (6) felony convictions for narcotics-related offenses, consisting of two felony (2) cocaine trafficking offenses and four (4) felony drug possession offenses. Presentence Report at (“PSR”) at ¶¶ 34-44. Defendant also has committed violations of probation and has served multiple terms of incarceration over the course of a twenty-four year time-period. Due to the age of many of the convictions, Defendant did not receive criminal history points for some of his older violations. He, nonetheless, falls into a Criminal History Category of V, having accrued eleven (11) total

criminal history points for a criminal history that dates back to 1992.

CRIMINAL CONDUCT/RECOMMENDATION

Defendant's instant offense arose out of the ATF "Surge" Investigation of 2016. Specifically, on April 27, 2016, Defendant sold approximately two ounces of methamphetamine to an undercover agent in exchange for \$1200.00 in U.S. currency. A similar transaction occurred approximately a month later on May 24, 2016. The methamphetamine sold in April was tested, analyzed, and determined to have a 96 percent purity level. PSR at ¶ 13.

The United States moves the Court to accept the plea agreement as a fair resolution for both parties, an agreement that will serve in part to conserve valuable judicial and prosecutorial resources. However, it still should be noted that the Defendant received a favorable plea agreement that reduced his exposure, PSR at ¶ 101; – range would have been 120-150 months imprisonment. Through the PSR, the Defendant indeed presents some tragic circumstances and redeemable qualities and evinces a level of contrition for his crimes. Interestingly enough, the Defendant even construes his current incarceration as something positive and beneficial, as his life was "spinning out of control." PSR at ¶ 83. The Defendant, fortunately, does not have any crimes of violence in his past. His long time involvement in the local drug scene, however, has undoubtedly wrought considerable damage to himself, to others, and to the community at large. Accordingly, the United States recommends a sentence of seven (7) years imprisonment with a term of supervised release to follow.

Respectfully submitted,

FRED J. FEDERICI
Attorney for the United States
Acting under Authority Conferred Under
28 U.S.C. § 515

Electronically filed October 16, 2019

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I HEREBY CERTIFY that on the 16th day of October 2019, I filed the foregoing pleading electronically through the CM/ECF system, which caused counsel of record for defendant to be served by electronic means.

Filed Electronically October 16, 2019

DAVID M. WALSH
Assistant U.S. Attorney